

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 16-2917 JP

YUSELF CASANOVA,

Defendant.

**ORDER**

On August 12, 2016 Defendant filed Defendant's Unopposed Motion to Vacate and Continue Trial Setting [Doc. No. 19]. On August 12, 2016 Mr. Casanova filed an Unopposed Motion for a Form 13, pre-plea, pre-sentence report [Doc. 18] in an effort to facilitate a potential resolution of the charges contained in the Grand Jury Indictment by accurately assessing Mr. Casanova's criminal history. Counsel for the Government and Mr. Casanova agree that continuing the trial to a later date would provide the United States Probation and Pre-Trial Services Office sufficient time to complete the Form 13 Report. Therefore, the September 12, 2016 trial setting is vacated. Having considered the matters raised by the motion to continue the trial date, I find that there is insufficient time to prepare for a trial beginning September 12, 2016. Consequently, the trial setting of September 12, 2016 should be vacated and trial should be rescheduled, if one is needed, on December 5, 2016 at 1:30 p.m. in Albuquerque, New Mexico. I find under 18 U.S.C. §3161(h)(7)(A) that the ends of justice served by granting the motion to continue the trial from September 12, 2016 to December 5, 2016 outweigh the best interests of the public and the Defendant in a speedy trial, because denial of the motion would result in a miscarriage of justice by denying the parties adequate time to prepare for trial. Continuance of the trial from September 12, 2016 to December 5, 2016, does not result from congestion of the Court's docket; instead, continuance is required for the reasons stated above.

**IT IS THEREFORE ORDERED THAT:** The motion to continue the trial date of September 12, 2016, is granted; and

**1. The new date for the call of the calendar is set on, Thursday, November 17, 2016 at 11:00 a.m. at the U.S. Courthouse, 421 Gold Ave. S.W. ~ Sixth Floor Courtroom. The trial is rescheduled on December 5, 2016 at 1:30 p.m., at the U.S. Courthouse, 333 Lomas Blvd. N.W., ~Third Floor, Pecos Courtroom; and**

2. The time between September 12, 2016 to December 5, 2016 is excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161 et seq.

  
SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
BEFORE THE HONORABLE JAMES A. PARKER

By direction of The Honorable James A. Parker, this case will come on for jury selection and trial on a trailing calendar beginning on Monday, December 5, 2016 at 1:30 p.m. at the U.S. Courthouse, 333 Lomas Blvd. N.W. 3rd Floor– Pecos Courtroom.

A call of the calendar is set for Thursday, **November 17, 2016** at 11:00 a.m. The call of the calendar will be held at the U.S. Courthouse, 421 Gold Ave. S.W. 6th Floor Courtroom. The defendant does not need to be present.

Proposed Voir Dire questions to the jury, Jury Instructions, and Motions in Limine are due, on or before, 5 working days before the above trial date.

The court must be advised of all plea agreements **not later than Monday, November 14, 2016.** The court will not accept a plea after that date except to at least one count of the indictment.

**Please check the Court's website at <http://www.nmcourt.fed.us> for information regarding trial preparation, the call of the calendar, and jury instructions.**

Inquiries and notice of change of plea should be directed to Juan Gonzales, Courtroom Deputy at (505) 348-2247.

I hereby certify that a copy of this calendar was served by mail or electronic means--to counsel of record as they are shown on the Court's docket.

  
MATTHEW J. DYKMAN, CLERK OF COURT